

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

NO. 4:16-CR-6033-EFS

Plaintiff,

v.

MILES BARTON NICHOLS,

**ORDER GRANTING USAO'S MOTION FOR  
PROTECTIVE ORDER**

Defendant.

Before the Court, without oral argument, is the United States Attorney's Office's (USAO) Motion for Protective Order, ECF No. 72. The USAO seeks a protective order for *Henthorn* materials that the Court previously ordered to be disclosed, ECF No. 66, in order to protect confidential personnel file contents. The Court finds good cause to grant the USAO's motion for a protective order related to the dissemination of the relevant *Henthorn* material, as set forth below.

Accordingly, IT IS HEREBY ORDERED:

1. The USAO's motion for a protective order, **ECF No. 72**, is **GRANTED**, and a protective order is entered, as follows:

A. Pursuant to the Court's previous order, ECF No. 66, the USAO shall provide the relevant *Henthorn* materials to defense counsel.

1           **B.** Defense counsel may possess but not copy the *Henthorn*  
2            materials.

3           **C.** Defense counsel may show the *Henthorn* materials to  
4            Defendant and discuss the materials with him.

5           **D.** Defense counsel shall not provide the *Henthorn*  
6            materials directly to Defendant or to any other  
7            person, including subsequently appointed or retained  
8            defense counsel. This prohibition does not apply to  
9            staff of defense counsel or any investigator or  
10           expert engaged by defense counsel. Such staff,  
11           investigator, or expert will also be bound by the  
12           terms and conditions of this protective order, and  
13           defense counsel shall inform them of its  
14           requirements.

15           **E.** Both parties are authorized to reference the  
16           existence and content of the *Henthorn* materials in  
17           open and closed court proceedings relevant to case  
18           number 4:16-CR-6033-EFS.

19           **F.** Unless the Court directs otherwise in the future, any  
20           future pleadings filed under the above-referenced  
21           cause number that reference the contents of the  
22           *Henthorn* materials should be filed under seal (no  
23           motion to seal is necessary).

24           **G.** Either party may move the Court for relief from the  
25           requirements of this Order if it becomes necessary  
26           during the course of the proceedings in this case.

**IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and provide copies to all counsel and to Magistrate Judge Dimke.

**DATED** this 7<sup>th</sup> day of March 2017.

s/Edward F. Shea  
EDWARD F. SHEA  
Senior United States District Judge